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September 16, 2010

BY HAND

Hon. Denise Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

Re: In re Application of THP Capstar Acquisition Corp. (now known as DMX, Inc.)
09 Civ. 7069 (DLC) (related case to United States v. ASCAP - 41 Civ. 1395)

Dear Judge Cote:

In accordance with this Court's Individual Practices, the American Society of Composers, Authors and Publishers ("ASCAP") respectfully requests redactions of certain information set forth in the September 10, 2010 submissions to the Court by ASCAP and DMX, Inc. ("DMX"). ASCAP's requested redactions are set forth in a table being submitted to the Court by counsel for DMX.¹

ASCAP is also enclosing with this letter (1) two full sets of its Proposed Findings of Fact and Conclusions of Law and its Pretrial Memorandum of Law in highlighted form, with yellow highlights indicating the information that both ASCAP and DMX are requesting to be redacted; and (2) one partial, looseleaf set, containing no highlights, of solely those pages on which a party seeks to redact material.

ASCAP has also corrected certain typographical and citation errors and omissions in its Proposed Findings of Fact and Conclusions of Law submitted to the Court on September 10. These corrections are reflected in both the highlighted and looseleaf papers enclosed with this letter. For the Court's reference, I am also enclosing redlined versions indicating each correction that ASCAP has made.

¹ The table contains both ASCAP's and DMX's requested redactions, the page on which redactions are requested, the specific content for which the redaction request is made, the party requesting the redaction, and the reason for the redaction.

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Please also note that in my letter of September 10 to the Court, I wrote that ASCAP anticipated at the time that the proposed Stipulated Facts (part of the proposed Joint Pretrial Order) would contain redactions. Upon conferring with counsel for DMX, the parties have determined not to request redactions in the proposed Stipulated Facts.

ASCAP will await the Court's rulings on the proposed redactions before electronically filing via ECF public versions of its pretrial submissions (including the proposed Joint Pretrial Order).

Respectfully submitted,



Christopher J. Glancy

Enclosures

cc: R. Bruce Rich, Esq.
Richard H. Reimer, Esq.
Sam Mosenkis, Esq.

Granted.

*The parties may file
the documents in the
public record with the
redactions.*

*Denise Cote
October 29, 2010*